

GEORGIA STATE BOARD OF OPTOMETRY
Teleconference Board Meeting
February 4, 2008

A Board meeting of the Georgia State Board of Optometry was held via teleconference on Monday, February 4, 2008, at 5:00 p.m. at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:

Kay Royal, President	Bill Sharpton	R. Whitman Lord
H. Kemp Jones	Dudley Christie	

Others Present: Sandy Bond, *Executive Director*, Gwen Dodson, *Administrative Assistant*, Ellen Morris, *Board Secretary*, Reagon Dean, *Assistant Attorney General*, Deborah Beard, *Compliance Manager*,

President Royal established that a quorum was present and called the meeting to order at 5:01 p.m.

APPROVAL OF BOARD MINUTES

Dr. Christie moved, Dr. Lord seconded and the Board voted to approve the minutes from the August 8, 2007 meeting as amended.

Dr. Christie moved, Dr. Lord seconded and the Board voted to approve the minutes from the October 24, 2007 meeting as amended.

Dr. Christie moved, Dr. Lord seconded and the Board voted to approve the minutes from the December 12, 2007 teleconference meeting as amended.

EXECUTIVE DIRECTOR'S REPORT – SYLVIA BOND

Dr. Jones moved, Dr. Sharpton seconded and the Board voted to approve Board staff to send a copy of the Cease & Desist order to Shelly Faulk, Asst. Attorney General of Dougherty Judicial Circuit, and provide a copy of the statute O.C.G.A. 31-12-12, the contact lens law regarding the illegal sales of contact lens.

Dr. Jones moved, Dr. Sharpton seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present who included Board members Kay Royal, H. Kemp Jones, Dudley Christie, R. Whitman Lord and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

CORRESPONDENCE

OPT000707 – Dr. Christie moved, Dr. Lord seconded and the Board voted to approve the request for inactive status of license.

OPT001104 – Dr. Jones moved, Dr. Christie seconded and the Board voted to accept jurisprudence for the last biennial, but the doctor will need one more hour of jurisprudence for this biennial.

OPT001836 – Dr. Sharpton moved, Dr. Jones seconded and the Board voted that the Board cannot give legal advice. The Board answered "no" to the question regarding retail stores dispensing, fitting, adjusting and placing optical orders which is covered in the dispensing opticians Rule 420-4-.01.

PROPOSED RULE 430-2-.04

Dr. Jones moved, Dr. Sharpton seconded and the Board voted to re-post the Notice of Intent to Adopt and the Notice of Hearing for the proposed rule change to rule 430-2-.04 as follows:

NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES CHAPTER 430-2; RULE 430-2-.04, CONTINUING EDUCATION REQUIREMENTS; APPROVAL OF EDUCATIONAL PROGRAMS AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Optometry (hereinafter "Board") proposes an amendment to the Georgia State Board of Optometry Rules, Chapter 430; Rule 430-2-.04 Continuing Education of Requirements; Approval of Educational Programs (herein after "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:30 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 10:30 a.m. on April 16, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:30 P.M.) on April 7, 2008. Written comments should be addressed to Randall Vaughn, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1660.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 10:35 a.m. on April 16, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt a proposed rule amendment to Rule 430-2-.04 pursuant to authority contained in O.C.G.A. §§ 43-30-5 and 43-30-8.

At its meeting on February 4, 2008, the Georgia State Board of Optometry voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ 43-30-5 and 43-30-8.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-30-5 and 43-30-8 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

Randall Vaughn
Division Director
Professional Licensing Boards

Posted:

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF OPTOMETRY RULES CHAPTER 430-2;
RULE 430-2-.04, CONTINUING EDUCATION OF REQUIREMENTS; APPROVAL OF EDUCATIONAL
PROGRAMS**

PURPOSE: The purpose of the proposed rule is to provide the standard for continuing education requirements for the Georgia State Board of Optometry licenses.

MAIN FEATURES: The main feature of the proposed rule is to condition the approval of educational programs upon the use of the ARBO-OE Tracker Program and to require that licensees maintain proof of attendance at continuing education programs for three years in case the hours are not registered by the program provider with the ARBO-OE Tracker Program.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF OPTOMETRY RULES, CHAPTER 430-2; RULE 430-2-.04, CONTINUING
EDUCATION OF REQUIREMENTS; APPROVAL OF EDUCATIONAL PROGRAMS**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Rule 430-2-.04 Continuing Education of Requirements; Approval of Educational Programs proposed addition as follows:

430-2-.04 Continuing Education of Requirements; Approval of Educational Programs.

(1) The Board has pre-approved continuing education (post-graduate) courses from schools and colleges of optometry accredited by the Council on Optometric Education of the American Optometric Association; a maximum of ten (10) hours per biennium in ophthalmologic related courses taught by the Medical College of Georgia, Emory University, Mercer University and Morehouse College; any courses offered by the American Optometric Association or its regional or state affiliates; the Society of Professional Optometrists of Georgia; the Council on Optometric Practice Education (C.O.P.E.) and any courses approved by C.O.P.E. All pre-approved continuing education providers must give notification of their courses on a timely basis to all Georgia Optometrists. Any other individual or organization desiring Board approval of an educational program sponsored by the individual or organization, or particular segments of such a program shall submit a request for approval to the State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217, not later than thirty (30) days prior to the scheduled date of such program. Each administrator of continuing education credit that gives credit to more than five doctors at any single event shall register all attendees and credits with the Association of Regulatory Boards of Optometry- OE Tracker Program. The Board will act on such request within thirty (30) days after receipt of the request for approval. Any request for Board approval of an educational program must include the following information:

(a) The identity of the sponsor, including:

1. The name and address of the sponsoring individual(s) or organization and a description of any organizational form (e.g., unincorporated association, non-profit corporation, etc.) and the date of organization;
2. The name and address of the principal officers of the sponsor.

(b) A description of the program, including:

1. With respect to each course for which approval is sought:

(i) the name and address of the instructor;

(ii) the title of the course;

(iii) a brief biographical sketch of the instructor including a detailed description (curriculum vitae) of his/her academic qualifications and a listing of prior publications including published speeches, which relates to the subject matter of the course;

(iv) an outline of the proposed content;

(v) the number of hours for which approval is requested, including a specification of those hours relating to practice management.

2. The scheduled time and place of the course;

3. A description of the method by which course attendance is to be monitored;

4. The amount of any registration fee, tuition or other charge for attendance, including a statement of any difference in such charges, which depend on membership in the sponsoring organization;

5. A sample of any advertisement or announcement intended to be employed concerning the program.

(c) Such additional information as the Board may request in the course of its deliberations concerning the application for approval.

(2) The following course content will not satisfy the continuing education requirement:

(a) Courses dealing with social and health trends;

(b) Any course unrelated to or not designed to enhance the professional skill of the practitioner;

(c) Courses conducted by any individual who is the owner of or is directly connected with any optical wholesale concern unless approved by the Board.

(3) A doctor of optometry is expected to ascertain in advance that the courses, which he/she attends, have received prior Board approval and do not fall within the exceptions of sub-part (2).

(4) Board approval of any educational program under this section relates to the program as proposed to the Board. In the event the actual program does not substantively correspond to the proposed program approved by the Board, the board will not give credit for that program under Code Section [43-30-8](#). The Board will not consider for approval the program as modified.

(5) Minimum hours required. Unless the Board gives written notice to each licensed doctor of Optometry prior to February 1 of the applicable year, the minimum number of hours of attendance at Board-approved education

programs required for biennial renewal of license shall be 36. However, new licensees shall be required to obtain the following number of hours: none (0) in the first calendar year of licensure, 18 in the second calendar year of licensure, 36 per biennium beginning in the third calendar year of licensure. After the first calendar year of licensure, courses related to practice management shall be restricted to 4 hours biennially and must be related to patient care. After the first calendar year of licensure, of the total hours required, licensees practicing within the State shall obtain one (1) hour biennially of prior approved ethics and jurisprudence.

(a) Within the 36 or 18 hours of continuing education hours as set out in (5) above, whichever is required, licensees practicing within the State shall obtain one (1) hour biennially of prior approved ethics and jurisprudence. Georgia licensed optometrists that are not practicing within the state are not required to earn the one hour of ethics and jurisprudence.

(b) A maximum of eight (8) hours per biennium will be allowed as continuing education credit for grand rounds. One (1) hour credit will be allowed for every two (2) hours spent in grand rounds.

(c) A maximum of six (6) hours of continuing education credit will be allowed per biennium for any coursework that is offered by correspondence or electronic medium, which coursework is approved or sponsored by any provider identified in subparagraph (1) of this Rule.

(d) Effective January 1, 2007, of the thirty-six (36) required hours, a minimum of 18 hours per biennium is required for pharmacology and pathology as related to ophthalmologic conditions.

(6) Reporting and Auditing. The method of reporting and auditing continuing education shall be:

(a) At the time of license renewal, each Optometrist shall certify to the Board that he/she has completed the continuing education required for license renewal.

(b) The staff of the Professional Licensing Boards shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. This percentage shall not exceed 20% of the licensed Optometrists, randomly selected, in the State per biennium. However, continuing education shall be verified on all licensees through the Association of Regulatory Boards of Optometry-OE Tracker Program.

(c) Each licensed Optometrist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance. These records of attendance may be used as proof of hours should the verification of hours not be registered with the Association of Regulatory Boards of Optometry- OE Tracker Program.

(d) Deferral of the requirement for education program hours may be considered by the Board. Requests for deferral must be submitted to the Board in writing and should include complete documentation of the reasons for the request. Deferral will be considered for the following reasons:

1. certified illness; and
2. hardship.

Authority O.C.G.A. §§ 43-30-5 and 43-30-8.

Dr. Jones moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present who included Board members Kay Royal, H. Kemp Jones, Dudley Christie, R. Whitman Lord and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

ENFORCEMENT

OPTI070006 - Dr. Christie moved, Dr. Sharpton seconded and the board voted to close the case.

Young, Andy - Dr. Jones moved, Dr. Lord seconded and the Board voted to accept the Cease & Desist order upon receipt .

OPTI070026 - Dr. Sharpton moved, Dr. Lord seconded and the Board voted to refer the case to the Attorney General's Office for Legal Advice.

Hijad, Muhawesh Mufid - Dr. Jones moved, Dr. Christie seconded and the Board voted to accept the Cease and Desist Order upon receipt.

ATTORNEY GENERAL'S OFFICE – REAGAN DEAN

OPTI070019 - Dr. Jones moved, Dr. Sharpton seconded and the Board voted to close the case in the Attorney General's Office, issue a Cease and Desist order and pursue criminal charges if practicing.

OPTI080006 – Dr. Jones moved, Dr. Christie seconded and the Board voted to close the case in the Attorney General's Office.

OFFICE GENERATED REPORTS – DEBORAH BEARD

OPTI080031 – Dr. Lord moved, Dr. Christie seconded and the Board voted to deny request based on not meeting qualifications for renewal and must reinstate license and follow requirements for reinstatement.

APPLICATIONS – RONJALYN BOND & JENNIFER PRICKETT

Applicant #1119910 – Dr. Jones moved, Dr. Lord seconded and the Board voted to proceed with licensure by Reinstatement.

Applicant #1114610 – Dr. Jones moved, Dr. Christie seconded and the Board voted to take no action and refer back to applications to process accordingly.

MISCELLANEOUS

Dr. Jones moved, Dr. Lord seconded and the Board voted to refer the Attorney General to draft a rule regarding reinstatement of licensure.

APPROVAL OF ALL APPLICATIONS APPROVED BY STAFF GUIDELINES

Dr. Lord moved, Dr. Christie seconded and the Board voted to ratify the following applications for licensure determined to have met licensure requirements issued between Board meetings as follows:

Name	License No.	Obtained By	Issue Date
Fukuzato, Ricardo Y	OPT002431	Examination	10/01/2007
Gupta, Rahul Kumar	OPT002432	Examination	10/01/2007
Gamble, Nacondus Grayson	OPT002433	Examination	10/01/2007
McCarty, Zachary Stuart	OPT002434	Examination	10/11/2007
Gerber, Steven D	OPT002435	Examination	10/31/2007
Kennedy, Sarah Anne	OPT002436	Examination	11/29/2007
Shea, Micheal Patrick	OPT002437	Examination	11/30/2007
Vaishnav, Heer Rinku	OPT002438	Examination	11/30/2007
Rossello, David Anthony	OPT002439	Examination	11/30/2007
Cappelli, Rena	OPT002440	Examination	12/11/2007

Feidler, Catherine Maria	OPT002441	Examination	12/11/2007
DiMeglio, Debra	OPT002442	Examination	12/11/2007
Browne, Ebony Yohari	OPT002443	Examination	12/12/2007
Davidoff, Elina K	OPT002444	Examination	12/26/2007
Atkinson, Gary Brian	OPT002445	Examination	12/28/2007

There being no further business to come before the Board, the meeting was adjourned at 6:19 p.m.

Minutes recorded by:	Gwen Dodson, <i>Administrative Assistant</i>
Minutes reviewed and edited by:	Sandy Bond, <i>Executive Director</i>

Kay F. Royal, *President*

Sandy Bond, *Executive Director*

These minutes were approved on _____.